

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WOOLFORD ET AL.

Examiner: D. TAYLOR

Serial No.: 09/160,916

Group Art Unit: 3672

Filed: SEPTEMBER 25, 1998

Docket: 3616.20USC3

Notice of Allow. Date: JANUARY 14, 2000

Batch No.: N/A

Due Date: N/A

Title: COMPOSITE MASONRY BLOCK

OK to Enter



CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 1-28, 2000.

By: Cecil C. Schmidt

Cecil C. Schmidt

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Other: Comments on Statement of Reasons for Allowance
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

ANCHOR WALL SYSTEMS, INC.
5959 Baker Road, Suite 390, Minnetonka, MN 55345
(612) 933-8855

By: Cecil C. Schmidt

Name: Cecil C. Schmidt

Reg. No.: 20,566

HM

Match & Return

(PTO TRANSMITTAL - GENERAL)

S/N 09/160,916

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	WOOLFORD ET AL.	Examiner:	D. TAYLOR
Serial No.:	09/160,916	Group Art Unit:	3672
Filed:	SEPTEMBER 25, 1998	Docket No.:	3616.20USC3
Title:	COMPOSITE MASONRY BLOCK		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 1-28, 2000.

By: Cecil Schmidt
Name:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The Examiner has issued a "Notice of Allowability" dated 14 January 2000.

The following remarks are presented for purposes of clarification with regard to the "Reasons for Allowance" as set for in the Notice of Allowability, noting that there is more than one Keystone brochure of record.

These remarks are being submitted with the consent of and at the request of Examiner Taylor pursuant to a telephone call with Applicants' attorney, Mr. Schmidt, on 20 January 2000.

The Keystone brochure referred to in the "Reasons for Allowance" is not the brochure which bears the copyright office date stamp of "June 27, 1988" which is referred to in the earlier Office Action, but is the undated brochure which was attached to the "Statutory Declaration of Al Pfannestein dated August 28, 1998" filed in connection with the Australian litigation between

Keystone and Anchor Wall Systems. The brochures describe different products and there is no clear evidence of any date of "publication" of this latter, undated brochure.

The issue of the undated brochure and various related allegations of its purported author (Keystone) have previously been discussed with the Examiner in the prosecution of the parent case (see, for example, the Information Disclosure Statement dated November 12, 1997 filed in connection with Serial Number 08/921,481 filed September 2, 1997) and in the Deposition transcripts of record. Applicants' attorney confirms that this undated brochure has never been proven to be "prior art" that would require Applicants to swear behind it.

The related litigation in the US and in Australia involving Anchor Wall Systems, Inc. (the assignee of the present case) and Keystone (and their respective licensees), was settled by agreement of the parties without trial.

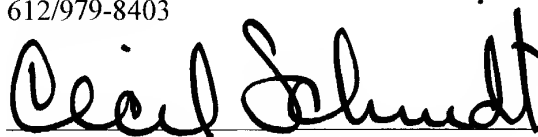
Any questions concerning this correspondence should be directed to the attention of the undersigned.

Respectfully submitted,

ANCHOR WALL SYSTEMS, INC.

5959 Baker Road
Suite 390
Minnetonka, MN 55345
612/979-8403

Date: 1.28.2000



Cecil C. Schmidt
Senior Vice President
Reg. No. 20,566